

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:  WONDERWORK, INC.,  Debtor.	Chapter 11 Case No. 16-13607 (SMB)
VINCENT A. SAMA, as Litigation Trustee of the WW LITIGATION TRUST,  Plaintiff,  vs.  KPMG LLP,  Defendants.	Adv. No. 18-01868-SMB

**AGREED-TO MOTION FOR EXTENSION OF TIME FOR KPMG LLP TO RESPOND  
TO COMPLAINT AND REQUEST FOR ENTRY OF PROPOSED ORDER**

Pursuant to Fed. R. Bankr. P. 9006 and the Chambers' Rule on Scheduling, Defendant KPMG LLP ("KPMG") requests that the Court enter the proposed Order attached at **Exhibit A** granting KPMG an extension of time until Friday, February 15, 2019, to respond to the adversary complaint filed by plaintiff Vincent A. Sama as Litigation Trustee of the WW Litigation Trust. As further grounds for the relief requested, KPMG states:

1. On December 21, 2018, the Litigation Trustee commenced this adversary proceeding and served a copy of the complaint and summons on KPMG. The complaint contains 102 numbered paragraphs and four claims for relief (negligence, gross negligence, fraud, and breach of contract)
2. On January 17, 2019, undersigned counsel for KPMG entered an appearance in this adversary proceeding. (Doc. No. 8.)

3. The deadline for KPMG to file a response to the complaint is January 22, 2019. Further, the summons served on KPMG states that a pretrial conference has been scheduled for February 7, 2019 at 10:00 am.

4. KPMG requests that the Court extend the time for it to respond to the complaint until February 15, 2019, and to adjourn the pretrial conference until a date following the filing of KPMG's response. KPMG's requires the extension of time in part because the complaint was filed shortly before the holidays and KPMG's undersigned counsel was out of the country during the first week of this month. KPMG intends to move to compel arbitration of the claims asserted in the complaint based on an alternative dispute resolution clause in the engagement letters between KPMG and the Debtor. The additional time will enable KPMG to prepare the necessary papers if the Litigation Trustee does not consent to arbitration.

5. Counsel for the parties have conferred about this matter and the Litigation Trustee has agreed to the requested extension of time.

6. Accordingly, KPMG respectfully requests that the Court enter the attached Order.

Date: January 18, 2019

Respectfully submitted,

/s/ Lisa C. Wood  
Lisa C. Wood  
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Foley Hoag LLP  
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and

Foley Hoag LLP  
1540 Broadway, 23rd Floor

New York, NY 10036

**As of February 18, 2019, the address of  
Foley Hoag's New York's office will be:**

**1301 Avenue of the Americas  
New York, NY 10019**

*Attorneys for Defendant, KPMG LLP*

Extension of Time Until February 15, 2019 to  
Move or Answer The Complaint and for  
Adjournment of Pretrial Conference  
Agreed To:

KAPLAN LANDAU PLLC

By: /s/ Mark Landau

Mark Landau

Amanda Grannis

Carnegie Hall Tower

152 West 57<sup>th</sup> Street, 8<sup>th</sup> Floor

New York, NY 10019

Tel: (212) 593-1700

*Attorneys for Plaintiff*

*Vincent Sama, as Trustee of the*

*WW Litigation Trust*

**Certificate of Service**

I, Lisa C. Wood, certify that on January 18, 2019, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification to all counsel of record registered to receive notices of electronic filing.

/s/ Lisa C. Wood

# **EXHIBIT A**

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**ORDER GRANTING EXTENSION OF TIME  
TO KPMG LLP TO RESPOND TO COMPLAINT**

Upon consideration of the Agreed-To Motion for Extension of Time for KPMG LLP to Respond to Adversary Proceeding, and for good and sufficient cause shown therefore, it is hereby

**ORDERED** that the Stipulation is approved and KPMG may file a response to the Complaint on or before February 15, 2019.

Date: \_\_\_\_\_, 2019  
New York, NY

\_\_\_\_\_  
HONORABLE STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE